

ORIGINAL

16-360-6
RECEIVEDDEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION
Fountain Square
Columbus, Ohio 43224

FEB 27 1997

DIVISION OF MINES
AND RECLAMATION
CAMBRIDGEAPPLICATION FOR AN INCIDENTAL BOUNDARY REVISION
This Form Cannot Be Utilized For The Removal Of Coal
(File in Quadruplicate)

1. Permittee's Name The Ohio Valley Coal Company Phone # (614) 926-1351
2. Address 56854 Pleasant Ridge Road Zip Code 43902
Alladonia, OH
3. Coal Mining Permit # D-0360
4. Additional acres to be permitted 3.8
5. Has this acreage been affected? Yes _____, No X
6. Describe the reason this additional acreage is required.
Additional Air Shaft Site
7. Describe the activities to be conducted on this area.
Grading a level pad, construction and operation of an air shaft facility.
8. Is the information contained in the previously approved permit application applicable to this revised area? Yes X, No _____.
If "no", describe any changes to the previously approved permit application that will apply to this revised area.

APPROVED ☒
DISAPPROVED ☐
INSPE. I. Rulay
SUPVR. BS
DATE _____

(continued on reverse side)

9. LOCATION OF ADDITIONAL ACRES TO BE AFFECTED DURING PERMIT . . . (List all surface and mineral owners and all locations applicable to each ownership as shown on the location map. If owner name is repeated, show address only once. If permittee is owner, address is not necessary.)

NAME OF SURFACE AND MINERAL OWNERS	Twp. & Range	Section	Township	County
Name <u>The Ohio Valley Coal Co.</u> Address <u>56854 Pleasant Ridge Road</u> City & State <u>Alliedonia, OH 43902</u> Surface <u> </u> Mineral <u>X</u> Zip <u> </u>	T6N, R4-W	4	Smith	Belmont
Name <u>The North American Royalty Coal Co.</u> Address <u>14785 Preston Rd. Suite 100</u> City & State <u>Dallas, TX 75240-7891</u> Surface <u> </u> Mineral <u>X</u> Zip <u> </u>	T6N, R4W	4	Smith	Belmont
Name <u>William Brost</u> Address <u>62510 Glenoee Rd.</u> City & State <u>Belmont, OH 43718</u> Surface <u>X</u> Mineral <u> </u> Zip <u> </u>	T6N, R4W	4	Smith	Belmont

(If additional space is needed, list on a separate sheet in this format.)

I, the undersigned authorized representative of the permittee, hereby attest that no coal has been or will be removed from the acreage identified in this application.

David L. Bartoch PERMIT COORDINATOR 2-19-97
Signature Title Date

(FOR DIVISION USE ONLY)

This application is hereby **APPROVED** by the Chief, Division of Reclamation and effective this date. The acreage identified in item 5 of this application is now part of permit P-0360 (permit #).

6-22-97 Date Lisa J. Morris / by P. Sterling Chief, Division of Reclamation

\$ 9,500.00 of performance bond and \$ 285.00 acreage fee was received on 6-20-97 (Date).

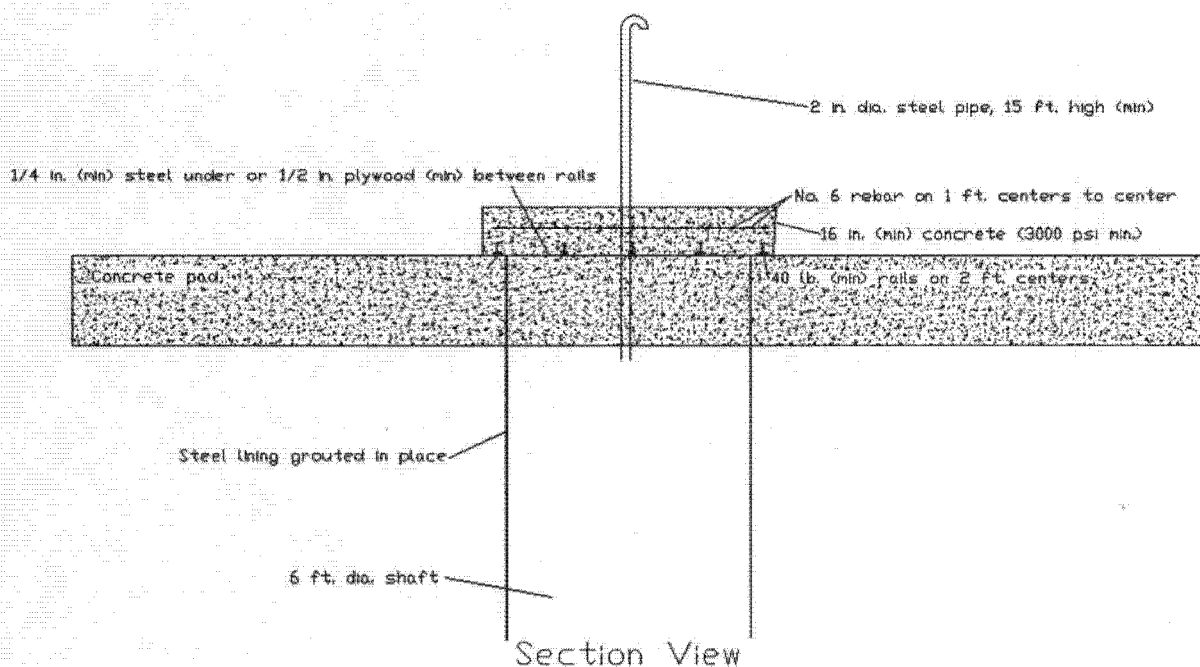
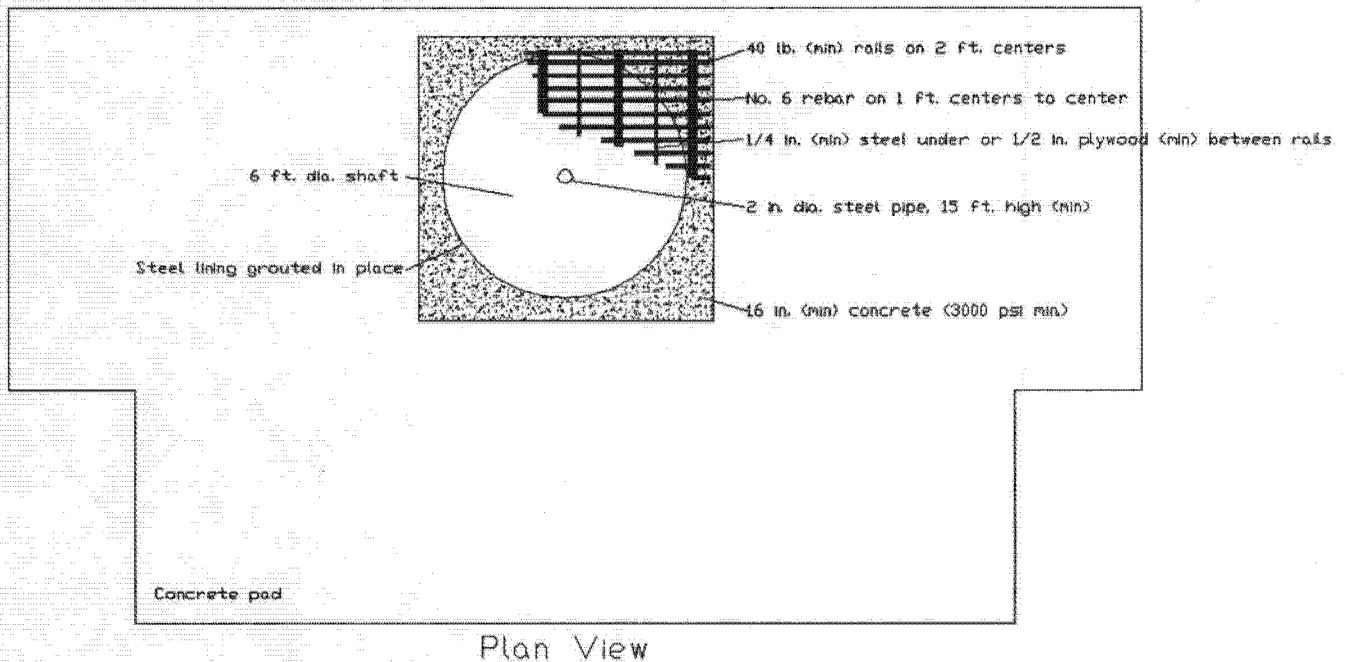
Sump Design

All surface runoff from the site will be directed through sumps. Three sumps are located immediately adjacent to the construction pad. The sumps are approximately 70 ft x 80 ft x 5 ft and two 60 ft x 40 ft x 5 ft in size. The shaft cuttings will occupy 0.996 ac-ft. All of the sumps combined contain a volume of 1.199 (1.2) ac-ft. 0.198 ac-ft is allowed for runoff. These sumps will be covered with soil and seeded after the shaft has been drilled and the water has evaporated.

Three sumps are located along the haulroad. These sumps will be approximately 5 ft. long and 5 ft. wide and 3 ft. deep. Several of these sumps will be located along the access road. A hay bale dike will be placed in such a manner that the overflow from the sump must pass through the hay prior to entering the receiving stream. Sumps will be cleaned when they are less than full with sediment. These sumps will remain following construction.

Seal Design

The Ohio Valley Coal Company
 Powhatan No. 6 Mine - Permit D-0360
 Proposed Seal - 22 East Bleeder Shaft.
 (not to scale)



Valid Existing Rights

Valid Existing Rights

Valid existing rights for the Powhatan No. 6 Mine are shown on the following pages. These pages are excerpted from the original D-0360 permit and from the D-0360-3 application. The mining rights in this area were obtained from the North American Coal Royalty Corporation. Ohio Valley entered into a lease agreement with North American Coal Royalty Corporation in 1989 to mine reserves held by North American. These coal reserves are necessary to the continuing operation of Ohio Valley. The Ohio Valley Coal Company has a valid existing right to affect the lands described herein.

VALID EXISTING RIGHTS

The Nacco Mining Company was created as a wholly owned subsidiary of The North American Coal Corporation in 1969. Property rights of Nacco were obtained through the conveyances, fee purchases and lease acquisitions sited in Part I, Item C(1) of this Coal Mining and Reclamation Permit Application.

These property acquisitions establish Nacco's right to remove all of the coal in the Pittsburgh Number 8 seam within the reserves area of the Powhatan No. 6 Mine. Also acquired were surface tracts within Washington Township of Belmont County where the support facilities for this mine have been constructed. These surface tracts were acquired within these locations with the intent of situating all preparation plant and transport facilities that would be necessary to fully implement the coal production system planned for this mine site.

On April 16, 1969 Nacco entered into a Coal Sales Agreement with The Cleveland Electric Illuminating Company. This agreement outlines the financial commitments of the loan participants as well as the coal production systems of Nacco necessary for the development of the project.

Actual production of coal tonnages can be verified by Mining Informational Services Keystone Coal Industry Manual. An abbreviated copy of the 1972 edition of this report is included in Appendix IV. The manual documents that a total of 665,058 tons of coal were produced at the Powhatan No. 6 Mine of Nacco Mining Company during that year.

On January 4, 1977, the United States Department of Interior, Mining Enforcement and Safety Administration contacted the Powhatan No. 6 Mine to acknowledge the approval of the dust control plan which had been submitted by Nacco earlier that year. Similarly, on December 12, 1975, the same governmental agency again contacted Nacco approving the dust control plan submitted for this mine.

ADDENDUM NO. 4
PAGE TWO

On July 25, 1972, the Belmont County, Ohio Health Department approved the Detail Plans of Coal Washing Plant for The Nacco Mining Company. In addition, on March 21, 1975, The Ohio Environmental Protection Agency notified The Nacco Mining Company that a public hearing was to be held concerning NPDES Permit No. L046*AD. This permit was issued and effective on June 30, 1975. Copies of these documents are contained in Appendix IV.

A significant requirement for approval by MESA is that the plan, as outlined, must be implemented and demonstrate that the control methods specified by the plan cause the facility to meet or exceed all limitations as required by MESA. The dust control plan has been in full force and effect continuously since its initial approval in 1975.

These documents all serve to establish that The Nacco Mining Company has a valid existing right to occupy lands now affected by the mining activities and support facilities of Powhatan No. 6 Mine as it applies to the mining prohibitions in Section 1501:13-3-03 of The Ohio Administrative Code.

Copies : L. DAB
J. Christenson

Return original to HSL
Division of Water

1500 DUBLIN ROAD • COLUMBUS, OHIO 43215 (614) 466-2646



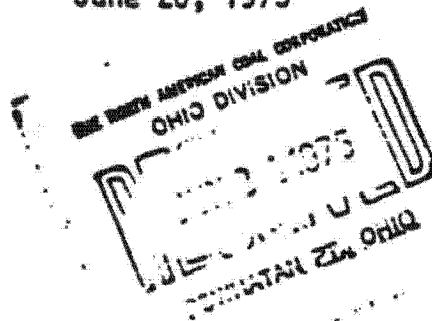
DEPARTMENT OF
NATURAL RESOURCES

JAMES A. ENCOES ROBERT W. TEATER
Director Deputy Director

June 20, 1975

CERTIFIED MAIL

Mr. Harvey S. Lewis, P.E.
The Nacco Mining Company
Powhatan Point, Ohio 43942



Permit No. 75-87
Nacco Slurry Impoundment
Southwest Quarter, Section 29
Washington Township, Belmont County

Dear Mr. Lewis:

Enclosed herewith is Permit No. 75-87 issued under Sections 1521.06 and 1521.061 of the Revised Code of Ohio for the construction of this dam. Because of your anticipated construction schedule, the permit is issued for a period of 3 years. One copy each of the approved plans, specifications, and other supporting documents is enclosed.

The \$100.00 statutory fee and the performance bond in the amount of \$300,000.00 were received on April 10, 1975. The \$100.00 fee has been subsequently deposited with the Treasurer of State.

You have indicated in a letter dated June 17, 1975, that you and Mr. Walter M. Lorence of GeoMechanics, Inc., as registered professional engineers, will accept joint responsibility for inspection of this project during construction. Provisions of Chapters NRD-15 and NRD-17 of our Administrative Rules should be followed in completing the construction and having it approved.

Please note all conditions of this permit. Condition 1 is self-explanatory. Condition 2 requires that my office be notified when certain specific construction activities are to be underway. Prompt notification will enable my staff to schedule their site visits accordingly. Inspection by this office of each of these items will facilitate our approval of the construction, but will not in any way relieve you and Mr. Lorence of your inspection responsibilities. Condition 3 requires that the final design for the emergency spillway be submitted and approved before construction of the embankment is completed.

Revised drawings numbered 7374-47, 7374-48, and 7374-49 for a 30-inch spillway pipe were received June 19, 1975 from Mr. Lorence. These sheets have been included in the approved copies of the final plans and are part of the permit.

June 20, 1975

If you have any questions concerning the permit and/or the Division of Water Administrative Rules feel free to contact George Mills, Bruce Pickens or me.

Sincerely,



Roy Winkle, Chief
Division of Water
(Dam Permits and Inspection)

RW:pr

encl.

cc: Walter M. Lorence, P.E.
Steve Hamlin, OEPA, Southeast District
John T. Davidson, Deputy Director, DNR
Bruce E. Cryder, Assistant Attorney General

PERMIT TO CONSTRUCT A DAM, DIKE, OR LEVEE

In accordance with and subject to the provisions, conditions and limitations of Chapter 1521 of the Revised Code of Ohio and the applicable rules and regulations adopted pursuant thereto, a permit is hereby issued to

The Nacco Mining Company

Powhatan Point, Ohio 43942

the 20 day of June, 19 75, to construct a dam
(dam, dike, or levee)

~~along~~ a tributary of Captina Creek, located in Belmont
(name of stream)

County, Washington Township, Southwest Quarter ~~Section~~ Section

~~Approx.~~ 29, 3 miles W from Armstrongs Mills
(direction) (town, post office, road intersection)

The approved plans and specifications including the conditions noted below, and bearing this permit number, -87, are hereby made a part of this permit. This permit is valid for a period of 3 years from date of issuance unless modified or revoked by the Chief.

Conditions of this permit:

1. Reports of inspection during construction shall be submitted bi-weekly and shall include copies of the inspectors daily logs and a summary of all field and laboratory tests conducted for quality control of earthwork and concrete construction for the reporting period.
2. The Chief shall be notified when the following stages of construction are to be undertaken:
 - A. Excavation of the cut-off trench; and,
 - B. Placement of the spillway pipe and construction of the pipe encasement.
3. Detailed plans for the emergency spillway shall be submitted and approved before construction of the embankment is completed.

te June 20, 1975

Roy Winkle
(Chief, Division of Water)

Re: Belmont County
Washington Township
Application for a Proposed Slurry Pond for Treatment of Thickener
Underflow at NACCO Mine No. 6
Received June 4, 1975
From Mr. Carl H. Bishop, Quality and Environmental Control Engineer

James A. Rhodes
Governor
E. Williams, P.E.
Director

October 8, 1975

The NACCO Mining Company
Powhatan Point
Ohio 43942

CERTIFIED MAIL
OhioEPA



Gentlemen:

Enclosed is the Ohio EPA Permit To Install which will allow you to install the described source in the manner indicated in the permit. Because this permit contains several conditions and restrictions, I urge you to read it carefully.

As indicated on the permit, you are required to pay a permit fee as provided for in Ohio EPA regulation EP-39-02. The exact amount of this fee is indicated on page 1 of the Permit To Install. This amount must be remitted within fifteen (15) days of the effective date of the Permit To Install. Checks should be made payable to: Treasurer, State of Ohio and sent to Ohio EPA, New Source Permit Records Section, 361 East Broad Street, Columbus, Ohio 43215.

Under Ohio Revised Code, Chapters 119 and 6111, this permit will take effect on the date indicated unless you or an objector requests an adjudication hearing within thirty (30) days of the date of issuance, as provided for by Ohio Environmental Protection Agency regulation EP-40-13. At an adjudication hearing you may appear in person, or be represented by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing. At the hearing you may present evidence and examine witnesses appearing for and against you. Requests for hearing shall be in writing and shall specify the issues of fact and law to be contested. Requests for hearing should be sent to the Hearing Clerk, Box 1049, 361 East Broad Street, Columbus, Ohio 43215.

The agency may withdraw this permit at any time before it takes effect.

The NACCO Mining Company

October 8, 1975

Page 2

If you have any questions, please contact the Ohio EPA District Office or local air pollution control agency to whom you submitted your application.

Very truly yours,

Jacqueline J. Nusbaum

Jacqueline J. Nusbaum, Chief
New Source Permit Records Section

Copy to Belmont County Health Department
" " Southeast District Office, Public Wastewater

OHIO ENVIRONMENTAL PROTECTION AGENCY

Permit To Install

Application No. 06-150

Applicants Name: The NACCO Mining Company

Permit Fee: \$250.00

Address:

City: Powhatan Point State: Ohio

Telephone: (614) 795-5500


Description of Proposed Source: A Proposed Slurry Pond for Treatment of
Thickener Underflow at NACCO Mine No. 6

Issuance Date: October 8, 1975

Effective Date: November 24, 1975

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter EP-30 of the regulations of the Ohio Environmental Protection Agency. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans and specifications, the above described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto:

Ohio Environmental Protection Agency


by Ned E. Williams, P.E.
Director
361 East Broad Street
Columbus, Ohio 43215



United States Department of the Interior

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

301 BUSSEY STREET
VINCENNES, INDIANA 47581

January 19, 1977

Mr. James Brockwell, Jr., Assistant Chief Engineer
The Nacco Mining Company
Powhatan Point, Ohio 43942

Dear Mr. Brockwell:

On the basis of the information submitted, the engineering plan for the design and construction of impoundment structure, I.D. No. 1211 OHS 0025-03, at Powhatan No. 6 mine, has been approved.

Section 77.216-2(b) requires that any changes or modifications to this plan be approved by the District Manager prior to the initiation of such changes or modifications.

Sincerely yours,

Charles W. Rath

Acting District Manager
Coal Mine Health and Safety
District 8

cc: D. Ward

M. Gregory

W. Smigill

RECEIVED

JAN 20 1977

North American Coal Corporation

Department of Operations

7000 10th Street





December 19, 1980

Mr. David P. Davis, Chief Environmental Engineer
The NACCO Mining Company
Powhatan Point, OH 43942

Dear Mr. Davis:

A review has been made of the modification dated August 20, 1980, with supplemental information dated October 8, 1980, for No. 6 Mine, No. 2 Slurry Impoundment, I.D. No. 1211 OH8 0025-03. Based on the information submitted, the modification is approved and is now a part of the approved engineering plan for design, construction and maintenance of this impoundment.

The modification is to permit raising the crest elevation to 1065, raising the primary spillway to 1050, and adding an 80-foot wide open channel emergency spillway at elevation 1060.

If you have any questions concerning this matter, please advise.

Sincerely,

District Manager
Coal Mine Safety and Health
District 8

File E.D. C.2.3.3



October 6, 1981

Mr. William Elmer Schanck
Chief Environmental Engineer
The NACCO Mining Company
Powhatan Point, OH 43942

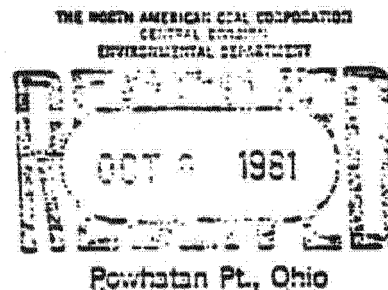
Dear Mr. Schanck:

A review has been completed of the modification to the engineering plan for design, construction and maintenance of Powhatan No. 6 mine, No. 2 Slurry Pond, I.D. No. 1211 OHS 0025-03. The modification dated June 30, 1981, requests to change to an eight standpipe piezometer monitoring system from the present 16 pneumatic piezometer monitoring system. Based on the information submitted, the modification is approved and is now part of the approved engineering plan.

Section 77.216-2(b) requires that any changes or modifications to this plan be approved by the District Manager prior to the initiation of such changes or modifications.

Sincerely,

Acting District Manager
Coal Mine Safety and Health
District 8





GeoMechanics, inc

1580 Broad Ave. Belle Vernon, Pa. 15012 (412) 929-3341 / 462-8939

March 9, 1982

The NACCO Mining Company
Powhatan Point, Ohio 43942

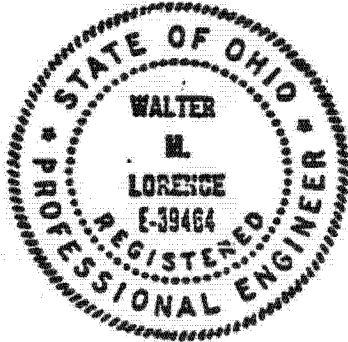
ATTENTION: Mr. Wm. Elmer Schanck,
Chief Environmental Engineer

Re: Engineer's Certification
No. 2 Slurry Dam
NACCO Mine No. 6
M.S.H.A. I.D. No. 12N-0H8-0025-03
G.M.I. Project No. SP-NAC-82

Gentlemen:

Our office is in receipt of the "As-Built Plans" for the above facility dated March 4, 1982. Based on our review of these plans in conjunction with our field observations and pursuant to the provisions of 30 CFR 77.216-4 (U.S. Department of Labor, Mine Safety and Health Administration), GeoMechanics, Inc. hereby certifies that, to the best of our knowledge, the construction of the slurry dam, to date, has been completed in conformance with the approved plans and specifications.

We wish to extend our appreciation for this opportunity to once again be of service to you. Should you have any questions or require additional information, please contact us.

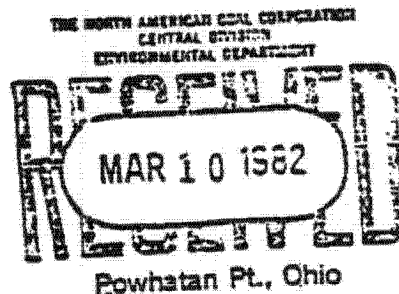


Very truly yours,

GEO-MECHANICS, INC.

Walter M. Lorence
WALTER M. LORENCE, P.E.
VICE PRESIDENT

WHL:njr



File: ED - 6.2.3.4

RIGHT OF ENTRY INFORMATION

C. (1)(b) Provide either of the following to allow for coal mining operations on the shadow area.

- (i) A copy of the documents, or
- (ii) An affidavit wherein the documents are described. For all documents or affidavits provided for the shadow area, the specific parcels are to be identified on the application map.

AFFIDAVIT

David L.

State of Ohio, Belmont County, ss. Bartsch being first duly sworn, says that the following described documents convey to the applicant the legal right explained below and is a subject of litigation as shown below.

Type of document Warranty Deed

Execution Date December, 1951

Expiration Date _____

Parties: From Rail and River Coal Corporation To The North American Coal Corporation *

Description of land: No. Acres _____

County Belmont Township Smith

Sections 9 Lots _____

Parcel # 131N

Explanation of legal rights claimed See Addendum to

Page 11, Part 1, C (1) (b), Item 48

Pending litigation _____ Yes, X No.

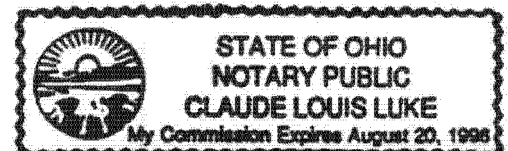
David L. Bartsch 11-19-92
Signature of Affiant Date

Project Engineer
Position

Sworn before me and subscribed in my presence this
19 day of Nov., 19 92.

Claude Louis Luke
Notary Public

* See Addendum to Page 11, Part 1, C(1)(b): North American Coal Reserves



ADDENDUM TO PAGE 11, PART 1, C(1)(b)
PAGE THIRTEEN

Item 47: Deed Rights to Tract 130N

Mining Rights: Party of the Second Part to have the free and uninterrupted right of way, into, upon, and under said land, at such points, and in such manner as may be proper and necessary for the purpose of digging, mining, draining and ventilating and carrying away said coal, (hereby waiving all surface damages, or damages of any sort, arising therefrom or from the removal of all of said coal) together with the privilege of mining and removing through said described premises, other coal belonging to said party of the second part, its successors and assigns, or which may hereafter be acquired.

Item 48: Deed Rights to Tract 131N

Mining Rights: Party of the Second part to have the free and uninterrupted right of way into, upon and under said land, at such points and in such manner as may be proper and necessary for the purpose of digging, mining, draining and ventilating, and carrying away said coal, (hereby waiving all surface damages, or damages of any sort, arising therefrom, or from the removal of all of said coal) together with the privilege of mining and removing through said described premises, other coal belonging to said party of the Second Part, its successors and assigns, or which may hereafter be acquired.

Item 49: Deed Rights to Tract 132N

Mining Rights: Party of the Second part to have the free and uninterrupted right of way into, and under said land, at such points, and in such manner as may be proper and necessary for the purpose of digging, mining, draining, and ventilating, and carrying away said coal, (hereby waiving all surface damages, or damages of any sort, arising therefrom, or from the removal of all of said coal), together with the privilege of mining and removing through said described premises, other coal belonging to said party of the second part, its successors and assigns or which may hereafter be acquired.

Item 50: Deed Rights to Tract 133N

Mining Rights: Party of the Second Part to have the free and uninterrupted right of way into, upon and under said land at such points, and in such manner as may be proper and necessary for the purpose of digging, mining, draining and ventilating and carrying away said coal, (hereby waiving all surface damages, or damages of any sort, arising therefrom or from the removal of all of said coal), together with the privilege of mining and removing, through said described premises, other coal belonging to said party of the second part, its successors and assigns or which may hereafter be acquired.

11/92

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

ATTACHMENT 4
(ADJACENT OWNERS)

Applicant's Name The Ohio Valley Coal Company

This attachment is to be completed and submitted with the permit application if the response to item C.(5) in Part 1 of the permit application is "yes."

Name of owner Stanley Passmore

Address P. O. Box 68

City Glencoe State Ohio Zip 43928

☒ Surface, ☐ Mineral

Name of owner Susie Korell Mahike

Address 331 Summertime Road

City Fayetteville State NC Zip 28303

☒ Surface, ☐ Mineral

Name of owner The North American Coal Royalty Company

Address 14785 Preston Road, Suite 100

City Dallas State TX Zip 75240-7891

☐ Surface, ☒ Mineral

Name of owner The Ohio Valley Coal Company

Address 56854 Pleasant Ridge Road

City Alledonia State OH Zip 43950

☐ Surface, ☒ Mineral (Lease)

TOVCC 07040

Landowners

**The Ohio Valley Coal Company
Powhatan No. 6 Mine
Permit D-0360**

POST-MINING LAND USE DESIGNATION

I, the undersigned, state that the pre-mining land use for this property was woodland/pastureland. I agree that the post-mining land use will be woodland./pastureland following reclamation. In addition, I agree that the existing farm road will be improved and will remain for access following reclamation.

William R. Brost

William Brost

Edith Brost

Edith Brost

4/10/97

Date

4/10/97

Date

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATIONATTACHMENT 8
(SURFACE OWNERS' CONSENTS)Applicant's Name The Ohio Valley Coal Company

This attachment may be completed and submitted with the permit application if the response to item C.(2) in Part 1 of the permit application is "yes."

I (We) the undersigned, hereby consent to the proposed surface mining of coal by the above named applicant on the lands described below on which I (We) are the legal surface owner(s) of record. Note: the proposed "surface mining" will consist of a road, air shaft, and related facilities(i.e., sub-station, etc.).

Owner's name William BrostOwner's Signature William Brost Date 4/10/97County Belmont Township SmithSections Smith 4 Lots 20 Acres 51.5Owner's name Edith BrostOwner's Signature ✓ Edith Brost Date 4/10/97County Belmont Township SmithSections 4 Lots 20 Acres 51.5

Owner's name _____

Owner's Signature _____ Date _____

County _____ Township _____

Sections _____ Lots _____ Acres _____

Owner's name _____

Owner's Signature _____ Date _____

County _____ Township _____

Sections _____ Lots _____ Acres _____

Prime Farmland Determination

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

ATTACHMENT 16
(NEGATIVE DETERMINATION OF PRIME FARMLAND)

Applicant's Name The Ohio Valley Coal Company

This attachment is to be completed and submitted with the permit application if the applicant is demonstrating that the permit area or a portion of the permit area is not prime farmland. Check (✓) the appropriate item numbers and attach the documents used to make the demonstration.

- ☒ 1. Lands within the proposed permit area have not been historically used for cropland.
- ☐ 2. The slope of the land within the proposed area is greater than eight percent.
- ☐ 3. On the basis of a second order soil survey meeting the standards of the National Cooperative Soil Survey, there are no soil map units within the proposed permit area that have been designated prime farmland by the U.S. Soil Conservation Service.
- ☐ 4. On the basis of a first order soil survey commissioned by the applicant and meeting the standard of the National Cooperative Soil Survey, there were found to be no prime farmland map units as designated by the S.C.S. within the proposed permit area (see Attachment 15, item 2 for 1st order survey criteria).

I, William and Edith Brost, certify that we have been the owners of the lands within the proposed permit area for The Ohio Valley Coal Company for more than ten (10) years. During that time, the land has not been historically used for cropland. During this period, the land was used for pasture and was wooded.

William R. Brost
William R. Brost

Edith Brost
Edith Brost

Certification of Prime/Nonprime Farmland

Name of Mine Operator Ohio Valley Coal Co

Location of Permit Application Area Section 4 Smith Twp Belmont Co

Size of Permit Area (Acres) 3.8 ac

Check Appropriate Block:

1. ☐

I have determined that this permit application DOES NOT contain prime farmland in accordance with the edition of the current county Prime Farmland Map Unit List found in the county Field Office Technical Guide.

2. ☒

I have found that this permit application CONTAINS prime farmland in accordance with the edition of the Prime Farmland Map Units for Ohio and/or the current county Prime Farmland Map Unit List, whichever is more current.

A soil map has been attached and prime units are as follows:

Soil Map Symbol

Map Unit Name

LoB


Lowell-Westmoreland silt loams 3 to 8% slopes

Signature

James W Forshey

2/20/97

Jim Forshey, Natural Resources Conservation Service
1119 East Main St., Barnesville, OH 43713, (614) 425-1100

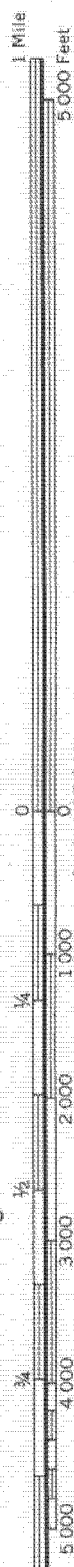
Requested Area - 

Prime Farmland - 

Scale - 1" = 1320'

45

N



PRIME FARMLAND DESCRIPTION
{original undisturbed soil profile}

LoB -- Lowell-Westmoreland silt loams, 3 to 8 percent slopes.

The Lowell soil has a brown silt loam surface layer {A Horizon} about 7 inches thick. The subsoil {B Horizon} is about 35 inches thick. The upper 11 inches is yellowish brown, friable silty clay loam and the lower 24 inches is yellowish brown and strong brown, firm silty clay mottled with grayish brown colors beneath 25 inches. The Westmoreland soil has a brown, friable silt loam surface layer {A Horizon} about 8 inches thick. The subsoil {B Horizon} is about 27 inches thick. The upper 20 inches is brown and dark yellowish brown, friable silt loam and firm clay loam. The lower 7 inches is yellowish brown, firm channery clay loam.

Variance Requests and Waivers



April 22, 1997

Ms. Lisa Morris, Chief
Division of Mines and Reclamation
Ohio Department of Natural Resources
1855 Fountain Square Court
Columbus, Ohio 43224

Dear Ms. Morris:

The Ohio Valley Coal Company respectfully requests a small area drainage exemption for the enclosed Incidental Boundary Revision pursuant to OAC 1501:13-9-04 B(3)(a). An area of 3.8 acres will be developed for an air shaft. The shaft will be located in Belmont County, Smith Township, Section 4.

The area will be covered with a durable, non-erodible (Limestone) surface and the drainage along the access road will be controlled with the use of construction sumps (5 ft. X 5 ft. X 3 ft.), hay bale dikes and silt fence during construction. The construction pad has three construction sumps adjacent that will receive runoff from the site. These construction sumps (70 ft. X 80 ft. X 5 ft., and two 60 ft. X 40 ft. X 5 ft.) will be removed after the shaft construction is completed. The silt fence will be placed to prevent sediment from entering the stream. The silt fence will be removed only after construction of the shafts is complete, the area has been covered with rock, and grass has been established. All of the sumps along the access road will remain following the end of construction.

Any discharge from this site, including discharge from the sumps, will meet effluent limits. If you have any questions, please contact me.

APPROVED	<input checked="" type="checkbox"/>
DISAPPROVED	<input type="checkbox"/>
DATE:	6-14-97
SIGNED	Lisa J. Morphy B. J. Smith

Sincerely,
THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.
Environmental Coordinator and
Permit Administrator

cc: File

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902
(614) 926-1351 • FAX (614) 926-1615

ORIGINAL

TOVCC 07051



April 8, 1997

Ms. Lisa Morris, Chief
Division of Mines and Reclamation
Ohio Department of Natural Resources
1855 Fountain Square Court
Columbus, Ohio 43224

Dear Ms. Morris:

The Ohio Valley Coal Company respectfully requests a waiver of the requirements of OAC 1501:13-9-04(E)(1) to disturb land within 100 ft. of two small streams. The streams are un-named tributaries of Williams Creek in Belmont County, Smith Township, Section 4. The work to be done in this location is the installation of an air shaft and construction of a bleeder fan.

Measures to control site drainage will include the use of silt fencing and hay bale dikes and small construction sumps. The combined area of the sumps is greater than 0.04 acre-ft./acre. The area will be covered with a durable, non-erodible (limestone) material. Reclamation will consist of covering the area with topsoil and seeding.

An incidental boundary revision has been submitted for this area previously. If you have any questions, please contact me.

APPROVED	<input checked="" type="checkbox"/>
DISAPPROVED	<input type="checkbox"/>
DATE:	6-27-97
SIGNED	<i>Lisa J. Morris</i> <i>B. Stenberg</i> Chief

Sincerely,
THE OHIO VALLEY COAL COMPANY

David L. Bartsch

David L. Bartsch, P.E.
Environmental Coordinator and
Permit Administrator

cc: File

ORIGINAL

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902
(614) 926-1351 • FAX (614) 926-1615

TOVCC 07052



February 14, 1997

Ms. Lisa Morris, Chief
Division of Mines and Reclamation
Ohio Department of Natural Resources
1855 Fountain Square Court
Columbus, Ohio 43224

Dear Ms. Morris:

The Ohio Valley Coal Company respectfully requests a waiver to disturb an area within 300 ft. of an occupied dwelling, based on the company's legal right to be within this specified distance. Disturbance to the area will be minimal, consisting of site preparation for the installation of an air shaft. An Incidental Boundary Revision is enclosed with this request.

The existing rights to be within this specified distance are covered in the valid existing rights portion of the IBR application. If you have any questions, please contact me.

Sincerely,
THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.
Environmental Coordinator and
Permit Administrator

cc: File

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATIONATTACHMENT 10
(CONSENT TO MINE WITHIN 300 FEET OF OCCUPIED DWELLING)Applicant's Name The Ohio Valley Coal Company

Pursuant to Ohio Administrative Code section 1501:13-3-03(E) and subject to valid existing rights, in order for a company to conduct coal mining operations within 300 feet of an occupied dwelling, permission must be obtained from the owner(s) thereof. The company designated above therefore requests that you sign this form, evidencing your consent to the company to conduct coal mining operations within 300 feet (measured horizontally) of your dwelling.

I/We, the undersigned, having the legal right to deny mining, hereby consent to coal mining operations, except those described in item 1 below, being conducted within 300 feet, but no closer than 50 feet, of my/our dwelling located as described in item 2 below.

IT IS UNDERSTOOD THAT THE SIGNING OF THIS FORM DOES NOT RELEASE THE MINING COMPANY FROM LIABILITY FOR ANY DAMAGES TO MY/OUR STRUCTURE(S) WHICH MAY OCCUR AS A RESULT OF COAL MINING OPERATIONS. IT IS ALSO UNDERSTOOD THAT "COAL MINING OPERATIONS" MAY INCLUDE ANY OR ALL OF THE FOLLOWING ACTIVITIES: EXCAVATION, STOCKPILING OF SOIL OR SPOIL, POND CONSTRUCTION, BLASTING, RECLAMATION, AND ANY OTHER RELATED ACTIVITIES.

IT IS UNDERSTOOD THAT BY SIGNING THIS CONSENT, I/WE KNOWINGLY WAIVED THE RIGHT TO DENY MINING WITHIN 300 FEET OF THE DWELLING(S) DESCRIBED BELOW.

1. Describe any activity, e.g. pond construction, which you do not consent to being conducted within 300 feet of your occupied dwelling.

2. a) Number of dwellings: 1
b) Dwelling location(s): County Belmont Township Smith
Section 4 Lot 20
Along, or access from, which public road? Co. Hwy. 5

3. Name(s) and Signature(s) of Owner(s):

Name: William Brost
(Print)

Signature: William Brost

Date: 4/10/97

Name: Edith Brost
(Print)

Signature: Edith Brost

Date: 4/10/97

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES & RECLAMATION

SURFACE MINING OPERATIONS
ATTACHMENT 27
(HISTORIC AND PREHISTORIC PROPERTIES)

1. Applicant's Name THE OHIO VALLEY COAL COMPANY
Address 56854 PLEASANT RIDGE ROAD
City ALLEDONIA State OH Zip 43902
2. Contact Person DAVID BARTSCH Phone 614- 926-1351
3. Location and Acreage Information
County BELMONT Township SMITH
Section(s)/Lot(s) 4 T- 6N , R- 4W
USGS Quadrangle ARMSTRONGS MILLS Acreage 3.8
4. Application Map Attached: (area described in 3. above is to be outlined on the map)
5. Previous Disturbance:

X present; _____ absent within permit area only
(Note: previous disturbance is any type of natural or human made disturbance to the topsoil and subsoil in the permit area prior to permit application. Examples include, but are not limited to, slides, severe erosion, previous mining activities, clear cut logging, recreational activities, etc., but not agricultural plowing and disking.)

If previous disturbance is present, list below and clearly delineate the extent of each type of disturbance on the application map to be sent to the SHPO by the Division. Attach addendum, if necessary.

Type of Disturbance	Date Occurred	Percent of Permit Area	Map Symbol
MINE SHAFT	1997	100	ENTIRE AREA
DRIVEWAY	UNKNOWN	50	ACCESS ROAD
HOUSE & BLDGS	UNKNOWN	0	STRUCTURES

6. Current Land Use: (describe land use and percent of land in that use)

Agricultural:

Residential: 10%

Mining: 20%

Pasture: 70%

Secondary Forest Growth:

Has area been clear cut logged? Yes X, No ____.

If "yes," indicate approximate date(s) of logging UNKNOWN.

Other: AREA HAS BEEN DISTURBED. SURVEY NOT POSSIBLE.

7. Historic and Prehistoric Structures:

Definitions

A historic or prehistoric structure is a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by humans, and 50 years or older, it is usually an engineering project.

Types

Historic structures include, but are not limited to dwellings, buildings, barns, farmstead outbuildings, bridges, culverts, churches, schools, halls, iron furnaces (and associated buildings), canals, forts, abandoned coal mine buildings, mine entrances, tipples and related structures, etc.

Prehistoric structures include, but are not limited to, earthworks, mounds, rockshelters, etc.

List all known historic and prehistoric structures below and locate each one on the application map to be sent to the SHPO including corresponding labeled black and white, front and rear photographs of each structure. Attach addendum, if necessary.

Structure Type	Construction Date	Map Reference	Photo # Front	Photo # Rear

8. Previous Historic and/or Archeological Surveys: (describe any surveys known to applicant on the permit or adjacent areas)

Permit area: NONE KNOWN

Adjacent areas: NONE KNOWN

9. SHPO please send this form to:

Dr. Jeffrey C. Reichwein
Division of Mines & Reclamation
1855 Fountain Square Court, H-2
Columbus, Ohio 43224

FOR USE BY THE STATE HISTORIC PRESERVATION OFFICE ONLY

(check appropriate space)

- A. _____ This is a recommendation for an archeological survey of the proposed permit area based on the following reasons (attach addendum, if necessary):

A SHPO review of the area shown on the application map has provided a listing below of all known historic and prehistoric properties listed and eligible for listing on the "National Register of Historic Places" and known historic and prehistoric sites on the permit and adjacent areas (in a 1.5 mile radius). The listing includes, when appropriate, those historic and prehistoric structures identified by the applicant in items 7. and 8. above.

Listed and Eligible National Register Sites

Site Name (#)	Type	Proposed Area	Adjacent Area

Known Historic and Prehistoric Sites

Site Name (#)	Type	Proposed Area	Adjacent Area

- B. _____ A SHPO review of the area shown on the application map and information contained in this attachment finds that the proposed mining does not have a reasonable probability of affecting any properties listed or eligible for listing on the "National Register of Historic Places." Therefore, no further coordination will be necessary with this office unless the scope of the proposed application area changes.

State Historic Preservation Officer _____

SHPO # _____

Date _____

INTER-OFFICE COMMUNICATION

TO:

Scott Stitler

FROM:

Jeff Reichwein, P.L.A.

SUBJECT:

Archaeology Status Form

DATE:

June 27, 1997

Operator

David Valenzuela

Application

D-0380 LBR 3.8 acres

Please indicate below the status of the historic and prehistoric properties on the above application:

☒ Application cleared. (explanation provided in clearance letter).

☐ Application conditionally cleared (explanation provided below).

☐ Survey pending (explanation provided below).